

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff(s),

CASE NUMBER: 05-80025  
HONORABLE VICTORIA A. ROBERTS

v.

D-1 TIMOTHY DENNIS O'REILLY,

Defendant(s).

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**ORDER**

This matter is before the Court on Defendant Timothy O'Reilly's "*Emergency Motion to Exclude Zouelfikar Nehmeh as a Government Guilt Witness and for a Determination Before Opening Statements.*" (Doc. #574). O'Reilly says the Government should be prohibited from calling Nehmeh as a witness during the guilt phase of the trial, and from making reference to him as a witness during its opening statement.

Oral argument was heard on July 12, 2010.

For the reasons stated on the record, O'Reilly's motion is **DENIED**. The Government may introduce O'Reilly's alleged murder for hire plot with Nehmeh to rebut O'Reilly's position that he could not act independently of co-Defendant Norman Duncan.

**IT IS ORDERED.**

s/Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: July 21, 2010

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on July 21, 2010.

s/Linda Vertriest  
Deputy Clerk